

EXHIBIT A

Review Attorney: Jeanna Wacker

Associate: Zoya Kovalenko

Completed

Associate:	Zoya Kovalenko
Practice Area:	Intellectual Property
Practice Group:	IP Litigation
Review Class Year:	2017 - 4th Year
Review Attorney:	Jeanna Wacker
Bar Admission:	DC/2019, GA/2016
Start Date:	11/16/2020; Lateral Hire
Total Hours:	Client: 963.00 - Office: 777.25

EVALUATIONS

Evaluator	Familiarity	Analytical, Writing, and Oral Skills	Judgment and Communication Skills	Areas of Focus and Future Work
Mike De Vries (Hours:127.50) ➔ In Progress • [REDACTED] [REDACTED] Client	Average	<p>I only worked directly with Zoya on one matter: a witness examination at the [REDACTED] trial. I generally did not think that Zola's work on that project was very good. We had an initial good discussion about it, but after that, the examination outline she worked on was incomplete and somewhat late. To be fair, I did say it was alright to send me the outline before it was complete; but given the timing and content of the outline she prepared, I had to go back to simply preparing a (separate) outline myself. In addition, it was difficult for me to follow the analysis in the outline. I readily acknowledge that this kind of project is a difficult one for someone who has not done it before, but even with that caveat, I think that Zoya could have done a better job on the work.</p>	See above	See above
Akshay Deoras	High	I saw Zoya's work in a	Zoya's judgment and	Although we

✓ Completed

• [REDACTED]/

Aggregated
Matters

• [REDACTED]

[REDACTED]

• [REDACTED]

[REDACTED]

• Intellectual
Property Litigation
Practice Support/
Client Development

• Practice
Development/
Potential New
Client/Matter
Development

validation comments. See

the past year. I worked
closely with her on the
IPR responses for the

[REDACTED]
[REDACTED], the
[REDACTED]

investigation, and worked

with her on smaller
projects for [REDACTED] and a
potential new client. Her

work has been
inconsistent and needs
significant improvement.

On the [REDACTED]

Zoya's technical analysis
met expectations, but her

judgment in deciding
which arguments to
include and prioritize
needed improvement.
She also had difficulty
communicating her
analysis.

Following the [REDACTED]

[REDACTED] we asked Zoya to
join us for trial in the

[REDACTED] matter.

Her work was directly
supervised by Leslie
Schmidt, but her inability
to meet deadlines and
her effective

disappearance for large
portions of the trial
caused a number of
issues for the rest of the
team, who had to pick up
work Zoya had not
completed.

Leslie and I had a long
conversation with Zoya
after the [REDACTED] trial to let
her know that her
performance was
unacceptable.

Nonetheless, we gave her
another opportunity to
work on the [REDACTED]
matter, where she was to
assist with discovery and
some of our key invalidity
defenses. In general, the

quality of her work
needed significant
improvement. Her work
on third-party discovery
and communications
with third-parties required
considerable oversight.
Her work in preparing for
depositions of the
inventor and putative

communication skills

need significant
development. Her
communication with
team members has
consistently been poor,
and she has a lot of
trouble expressing
herself. Based on my
work with her over the
past year, I would be
reluctant to have Zoya
speak directly with clients
or opposing counsel.

As to commitment,
although she has agreed
to take on a number of
matters, she struggles to
meet deadlines and often
provides work product
that needs significant
reworking. Her time
management skills also
need significant

development; although
her workload has often
been low relative to other
associates, she is often
unable to complete her
assignments in an
appropriate amount of
time.



Zoya's litigation judgment
is not where I expect it to
be for her class year.

Given the number of
issues we have had
throughout the year, I
found it increasingly
difficult to trust her
research, such that every
citation and factual and
legal assertion needed to
be double checked.

Although I did not directly
see Zoya's leadership or
managerial skills, I know
from speaking with other
associates and partners
on the team that working
with her has been very
challenging.

Unfortunately, Zoya also
blamed other associates
for the issues with her
work, which does not
foster a team
environment.

have given
Zoya several
opportunities in
many different
types of cases,
working with
Zoya has been
very
challenging.
Her litigation
skills in general
need
significant
improvement,
and despite
ongoing
feedback, her
performance
has gotten
worse. Her
writing,
analysis, and
judgment is not
up to her class
year, and as a
result, she puts
the team in a
difficult
position when
her work needs
to be redone.
She also needs
to significantly
improve her
time
management
and her
communication
skills with
others in the
team and
outside the
firm.

		<p>involved and required significant reworking and raised questions about the quality of her research and attention to detail. We gave Zoya an opportunity to take a deposition, and although it was a simple deposition that should have been straightforward, her preparation for and taking of the deposition was extremely poor, and not up to my expectations for someone much junior to her year. Her work on invalidity expert reports was inefficient and essentially needed to be redone.</p>		
<p>Mark Fahey (Hours:675.25)  Completed  <ul style="list-style-type: none"> Intellectual Property Litigation Practice Support/ Client Development </p>	High	<p>I worked with Zoya on a number of contentions, subpoenas, case development, and an expert report. Zoya needs to work on developing her understanding of the style of work product we want at Kirkland. She has some tendencies and understanding of how things are done from her prior firms that are inconsistent with how we do things here. She needs to work on making her work consistent with examples on the front end because doing things her own way often creates issues in the context of the case as a whole. For example, we had a recent expert report where she was given an opportunity to take the lead while others finished depositions. We had to entirely rewrite everything she wrote in a short period of time because she did not follow the example and missed deadlines for sending us check-in versions. I have generally had to revise</p>	<p>I worked with Zoya in the context of internal KE interactions and third party subpoena enforcement. She needs to continue to develop her judgement. She has a tendency to do work not asked for and involve herself in other associates' work at the expense of her own. The unusual hours she keeps is also a stressor with junior people when she is assigned to work with them on projects. Zoya becomes overwhelmed and focuses on minor points at the expense of the whole. She should work on being responsible for what is assigned and communicating in a focused way. Zoya also needed to be supervised with all discussions with the third parties because she had issues following instructions or taking instructions to an extreme.</p>	<p>Zoya needs to work on time management and dependability of work product. She tends to keep unusual hours which makes it very difficult for her to provide consistent work product. She also often gets sidetracked on tangents that are not important.</p>

		<p>more than I do with her class year peers. Zoya usually has an understanding of the substance, but the other things get in the way of the usability of her work product.</p>		
<p>Leslie Schmidt (Hours:556.00)</p> <p>➔ In Progress</p> <ul style="list-style-type: none">• [REDACTED]• [REDACTED]• [REDACTED]	<p>Average</p>	<p>[REDACTED]</p> <ul style="list-style-type: none">• Zoya joined the [REDACTED] matter shortly before trial to take the place of an associate who had left. Although she was enthusiastic about joining the team, she did not contribute at trial. One of Zoya's first assignments, to help her get up to speed, was to draft a damages JMOL. She had three weeks to work on this, and a few days before we needed to move for JMOL, she finally admitted that she had no work product done and another associate had to step in to work on it. Zoya also attended an in-person expert meeting with me, and when I asked her to revise the outline and slides based on our hours long meeting, she told me she was unable to do so because she didn't have her glasses at the meeting. Zoya did not attend in-person expert preps at the trial site, leaving me to take and implement all edits. I would also not see her for days at the trial site, and the only work she did (cite checking) took far too long and was not even usable. <p>[REDACTED]</p> <ul style="list-style-type: none">• Despite significant concerns about Zoya's performance at the Apcon trial, Akshay and I discussed her poor performance and explained that she would need to improve. That did not happen. Zoya		

		<p>bills and the hours to the matter, but does not produce usable work product, which has required us to cut a substantial amount of her time. We now give her very narrow and limited tasks and have decided that she will not attend the hearing in the case because of her poor performance. Akshay will be able to provide more specifics on her work product.</p>		
<p>Benjamin Yaghoubian (Hours:336.25) ✔ Completed</p> <ul style="list-style-type: none"> • [REDACTED] • Practice Development/ Potential New Client/Matter Development 	High	<p>Zoya and I worked together on opposing institution of an IPR and on analyzing additional patents to assert. Zoya helped defeat IPRs on multiple challenging patents. While working together on [REDACTED], she made an effort to be very attentive to detail.</p>	<p>Zoya makes a concerted effort to communicate well with her colleagues and it is always appreciated. I have seen Zoya struggle at times, but those instances are not because of inability. My sense is that Zoya is quite capable, but she may occasionally doubt her own abilities and/or tend to overthink things. One goal I'd like to see Zoya achieve is to learn how to better trust her judgment/analysis and approach her work with more confidence.</p>	See above.

ARC Comments

- Zoya has not contributed to her matters at either the substantive or commitment level that is expected of an associate. She should promptly pursue outside employment.

ARC Rating

☐ 1
 ☐ 2
 ☐ 3
 ☐ 4
 ☒ 5
 ☐ NR